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AT&T CORP.
ROOM 2A207
ONE AT&T WAY
BEDMINSTER, NJ 07921

EXAMINER	
HASHEM, LISA	

ART UNIT	PAPER NUMBER
2614	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/828,397	BURG, FREDERICK MURRAY	
	Examiner	Art Unit	
	LISA HASHEM	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

FINAL DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 7-9-08 have been fully considered but they are not persuasive. Applicant argues that the prior art of Stephens does not disclose '…receiving a text-based message prior to a call being made and receipt of the text-based message initiates the arrangement of the telephone call…' in independent claims 1, 20, and 32. Examiner disagrees. Applicant has amended all independent claims to include the limitation: '…receiving a text-based message having caller information associated with a caller network device and called endpoint information associated with a called network device, the text-based message initiating the arrangement of the telephone call…'. However, the argument '…prior to a call being made…' is not recited as a limitation in the claims. Therefore, Stephens still reads on all claimed limitations because Stephen discloses receipt of a text-based message (Fig. 7) initiates the arrangement of a telephone call (col. 5, lines 1-57).

Thus, the prior art discloses the claimed invention.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9, 11-26, 28-38, 40, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,259,772 by Stephens et al, hereinafter, Stephens.

Regarding claim 1, Stephens discloses a method of arranging a telephone call (col. 3, line 29 – col. 4, line 61; col. 5, lines 1-57), comprising:

receiving a text-based message (col. 5, lines 4-14) (i.e. receiving a message (Fig. 7: 1300) at trunk exchange in Fig. 1, 14a; col. 5, lines 25-28) having caller information associated with a caller network device (Fig. 1, 10a; col. 2, lines 47-58) and called endpoint information associated with a called network device (Fig. 1, 10b), the text-based message initiating the arrangement of the telephone call (col. 5, lines 4-15); sending a first alerting signal (i.e. call attempt) to the called network device using the called endpoint information (col. 8, line 49 – col. 10, line 23); detecting whether a first connection signal (i.e. successful connection; off-hook from called device) is received from the called network device (col. 9, lines 39-45);
sending a second alerting signal (i.e. ringing to the caller) to the caller network device in response to the caller information (col. 9, line 49 – col. 10, line 19);
detecting whether a second connection signal (i.e. calling party telephone available to establish call) is received from the caller network device; and
attempting to connect the called network device to the caller network device using the second connection signal (i.e. answering the call by calling party) (col. 9, line 66 – col. 10, line 19).

Regarding claim 2, the method of Claim 1, wherein Stephens discloses including: establishing a session; and recalling saved caller information based upon the session (col. 9, lines 39-49).

Regarding claim 3, the method of Claim 1, wherein Stephens discloses including receiving a confirmation message indicating a successful connection to at least one of the called network device and the caller network device (col. 10, lines 24-64).

Regarding claim 4, the method of Claim 1, wherein Stephens discloses the message

further includes time information, and the sending the first alerting signal, the detecting if the first connection signal is received, the connecting to the called network device, the sending the second alerting signal, the detecting if the second connection signal is received, and the connecting the called network device to the caller network device are performed at a time identified in the time information (col. 7, line 46 – col. 9, line 45; col. 10, lines 24-49).

Regarding claim 5, the method of Claim 1, wherein Stephens discloses the caller information includes at least one of a caller telephone number, a caller text description, a caller E-mail address, a caller login name, a caller network address, and a session identifier (col. 5, lines 4-14).

Regarding claim 6, the method of Claim 1, wherein Stephens discloses the called endpoint information includes at least one of a called telephone number, a called endpoint text description, a called endpoint E-mail address, a called endpoint network address (col. 5, lines 4-14 and lines 42-46).

Regarding claim 7, the method of Claim 1, wherein Stephens discloses including decoding the called endpoint information to provide a called telephone number (col. 8, line 49 – col. 9, line 60).

Regarding claim 8, the method of Claim 1, wherein Stephens discloses including decoding the caller information to provide a caller telephone number (col. 9, line 66 – col. 10, line 5).

Regarding claim 9, the method of Claim 1, wherein Stephens discloses including retrieving a called telephone number associated with the called endpoint information (col. 5, lines 4-14; col. 6, line 46 – col. 7, line 25).

Regarding claim 11, the method of Claim l, wherein Stephens discloses including sending a voice message to the called network device in response to the first connection signal being received from the called network device (col. 5, lines 48-57).

Regarding claim 12, the method of Claim 1, wherein Stephens discloses including sending a voice message (i.e. conversation between caller and called party) to the caller network device in response to the second connection signal being received from the caller network device (col. 9, line 66 – col. 10, line 11).

Regarding claim 13, the method of Claim 1, wherein Stephens discloses including: terminating the sending of the first alerting signal to the called network device in response to the first connection signal not being received from the called network device (col. 9, lines 5-38).

Regarding claim 14, the method of Claim 13, wherein Stephens discloses including: retrying sending the first alerting signal to the called network device (col. 9, lines 5-38).

Regarding claim 15, the method of Claim 1, wherein Stephens discloses including: terminating the sending of the second alerting signal to the caller network device in response to the second connection signal not being received from the caller network device (col. 10, lines 6-11).

Regarding claim 16, the method of Claim 15, wherein Stephens discloses including: retrying sending the second alerting signal to the caller network device (col. 10, lines 6-11).

Regarding claim 17, the method of Claim 1, wherein Stephens discloses including sending a voice message to the called network device in response to the second connection signal

not being received from the caller network device and the first connection signal being received from the called network device (col. 10, lines 6-18; col. 11, line 50 – col. 12, line 4).

Regarding claim 18, the method of Claim 1, wherein Stephens discloses including sending at least one of an instant message (i.e. announcement) and an E-mail in response to the first connection signal not being received from the called network device (col. 4, lines 12-20; col. 4, lines 37-61).

Regarding claim 19, the method of Claim 1, wherein Stephens further discloses the caller network device is selected from a telephone and an Internet telephony device (Fig. 1, 10a) and the called network device is selected from a telephone and an Internet telephony device (Fig. 1, 10b) (col. 2, lines 47-58).

Regarding claim 20, Stephens discloses a method of arranging a telephone call to a calling center (Fig. 1, 16; Fig. 3, 16), comprising:

receiving a text-based message (col. 5, lines 4-14) (i.e. receiving a message (Fig. 7: 1300) at trunk exchange in Fig. 1, 14a; col. 5, lines 25-28) having caller information (Fig. 7, 1304) associated with a caller network device (Fig. 1, 10a) and called center information (Fig. 7, 1302) associated with the calling center (Fig. 1, 16), the text-based message initiating the arrangement of the telephone call (col. 5, lines 4-14);

sending a first alerting signal (i.e. call setup to processor; col. 5, lines 25-30) to the calling center using the calling center information (col. 5, lines 4-35);

detecting whether a first connection signal is received from the calling center (col. 5, lines 35-38);

sending a second alerting signal (i.e. ringing signal) to the caller network device using the caller

information;

detecting whether a second connection signal is received from the caller network device (i.e. successful connection); and

attempting to connect the called network device to the calling center in response to the second connection signal (col. 10, lines 24-57).

Regarding claim 21, the method of Claim 20, wherein Stephens discloses including: establishing a session; and recalling saved caller information based upon the session (col. 10, lines 24-37).

Regarding claim 22, the method of Claim 20, wherein Stephens discloses the caller information includes at least one of a caller telephone number (Fig. 7, 1304), a caller text description, a caller E-mail address, a caller login name, a caller network address, and a session identifier (col. 5, lines 4-14).

Regarding claim 23, the method of Claim 20, wherein Stephens discloses the calling center information includes at least one of a called telephone number, a calling center text description (Fig. 7, 1302), a calling center E-mail address, and a calling center network address (col. 5, lines 4-14).

Regarding claim 24, the method of Claim 20, wherein Stephens discloses including decoding the calling center information to provide a calling center telephone number (col. 5, lines 4-41).

Regarding claim 25, the method of Claim 20, wherein Stephens discloses including decoding the caller information to provide a caller telephone number (col. 7, lines 38-55).

Regarding claim 26, the method of Claim 20, wherein Stephens discloses including retrieving a calling center telephone number associated with the calling center information (col. 5, lines 4-41; col. 10, lines 58-64).

Regarding claim 28, the method of Claim 20, wherein Stephens discloses the caller network device is selected from a telephone and an internet telephony device (Fig. 1, 10a) and the calling center is adapted to couple to at least one of the public switched telephone network (Fig. 1: 12, 14) and a data network (col. 2, line 47 – col. 3, line 17).

Regarding claim 29, the method of Claim 20, wherein Stephens discloses including:
sending at least a portion of the calling center information to the calling center;
receiving a calling center response having calling center knowledge in response to the portion of the calling center information; and
connecting the caller network device to the calling center in response to the caller information and to the calling center knowledge (col. 5, lines 23-61; col. 7, lines 38-67).

Regarding claim 30, the method of Claim 29, wherein Stephens discloses the portion of the calling center information includes an interactive voice response system (IVR) sequence associated with an interactive voice response system (IVR) (col. 3, lines 1-20; col. 10, lines 24-57).

Regarding claim 31, the method of Claim 29, wherein Stephens discloses the calling center knowledge includes at least one of a calling center expected response time and a calling center queue value (col. 10, lines 24-57).

Regarding claim 32, Stephens discloses a system for arranging a telephone call, comprising:

a server (Fig. 1, 12a) adapted to receive a text-based message (col. 5, lines 4-14) (i.e. receiving a message (Fig. 7: 1300) at trunk exchange in Fig. 1, 14a; col. 5, lines 25-28) having caller information (Fig. 7, 1304) associated with a caller network device (Fig. 1, 10a) and called endpoint information (Fig. 7, 1306) associated with a called network device (Fig. 1, 16; Fig. 3, 16), the text-based message initiating the arrangement of the telephone call and the server being adapted to attempt to connect the telephone call in accordance with the caller information and with the called endpoint information (col. 5, lines 4-46; col. 10, lines 24-64); a gateway (Fig. 1, 14) coupled to the server and to a telephony network (Fig. 1) for providing communications from the server to the telephony network, wherein at least one of the gateway and the server is adapted to send alerting signals (i.e. ring signals) to a called network device and to the caller network device in response to the text-based message, and at least one of the gateway and the server is further adapted to detect connection signals (i.e. off hook) from the caller network device and from the called network device (col. 5, lines 4-46; col. 10, lines 24-64).

Regarding claim 34, the system of Claim 33, wherein Stephens discloses the gateway is adapted to connect the server to one or more of the called network device and the caller network device, and the gateway is still further adapted to connect the called network device to the caller network device (col. 5, lines 4-46; col. 10, lines 24-64).

Regarding claim 35, the system of Claim 32, wherein Stephens discloses the caller information includes at least one of a caller telephone number (Fig. 7, 1304), a caller text description, a caller E-mail address, a caller login name, a caller network address, and a session identifier (col. 5, lines 4-46).

Regarding claim 36, the system of Claim 32, wherein Stephens discloses the called endpoint information includes at least one of a called telephone number, a called endpoint text description (Fig. 7, 1302), a called endpoint network address, a called endpoint E-mail address, and a called endpoint interactive voice response (IVR sequence) (col. 5, lines 4-14).

Regarding claim 37, the system of Claim 32, wherein Stephens discloses including a decoder to decode the called endpoint information to provide a called telephone number (col. 7, lines 38-67).

Regarding claim 38, the system of Claim 32, wherein Stephens discloses including a decoder to decode the caller information to provide a caller telephone number (col. 5, lines 4-41).

Regarding claim 40, the system of claim 32, wherein Stephens discloses the called network device is associated with a calling center (Fig. 1, 16; Fig. 3, 16; col. 5, lines 4-41; col. 10, lines 58-64).

Regarding claim 41, the system of claim 40, wherein Stephens discloses the calling center includes an interactive voice response (IVR) system and the server is further adapted to communicate an IVR sequence to the calling center (col. 3, lines 1-20; col. 10, lines 24-57).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 10, 27, and 39, are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephens as applied to claim 1, 20, and 32 above, respectively, and further in view of U.S. Pat. No. 7,245,612 by Petty et al, hereinafter Petty.

Regarding claim 10, the method of Claim 1, wherein Stephens discloses the message includes at least a voice message (col. 7, lines 17-44).

However, Stephens does not disclose the message includes at least one of an instant message and an E-mail.

Petty discloses a method of connecting a telephone call between a caller device (Fig. 1, 124) and a called party device (Fig. 1, 102) (col. 10, lines 32-50), comprising:
receiving a message including an E-mail having caller information (i.e. caller telephone number and caller's voice message) associated with a caller network device (Fig. 1, 124) and called endpoint information (i.e. subscriber's e-mail address) associated with a called network device (Fig. 1, 102) (col. 9, line 27 – col. 10, line 50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Stephens to include a message including at least one of an instant message and an E-mail as taught by Petty. One of ordinary skill in the art would have been lead to make such a modification to provide a message that provides information to set up a call between a caller and a called party, wherein a voice message from a caller is listened by a called party and a telephone call between the caller and the called party can be set up based on the contents of the message.

Regarding claim 27, the method of Claim 20, wherein Stephens discloses the message includes at least a voice message (col. 7, lines 17-44).

However, Stephens does not disclose the message includes at least one of an instant message and an E-mail.

Petty discloses a method of connecting a telephone call between a caller device (Fig. 1, 124) and a calling center (Fig. 1, 150; col. 4, lines 53-64), comprising:
receiving a message including an E-mail having caller information (i.e. caller telephone number and caller's voice message) associated with a caller network device (Fig. 1, 124) and called endpoint information (i.e. subscriber's e-mail address) associated with a calling center (Fig. 1, 150) (col. 9, line 27 – col. 10, line 50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Stephens to include a message including at least one of an instant message and an E-mail as taught by Petty. One of ordinary skill in the art would have been lead to make such a modification to provide a message that provides information to set up a call between a caller and a called party, wherein a voice message within an E-mail from a caller is listened by a called party and a telephone call between the caller and the called party can be set up based on the contents of the message.

Regarding claim 39, the system of Claim 32, wherein Stephens discloses the message includes at least a voice message (col. 7, lines 17-44).

However, Stephens does not disclose the message includes at least one of an instant message and an E-mail.

Petty discloses a system for connecting a telephone call, comprising:
a server (Fig. 5; 154) adapted to receive an E-mail message having caller information (i.e. caller telephone number and caller's voice message) associated with a caller network device (Fig. 1,

124) and called endpoint information (i.e. subscriber's e-mail address) associated with a called network device (Fig. 1, 150; col. 4, lines 53-64) and to connect the telephone call in accordance with the caller information and with the called endpoint information (col. 9, line 27 – col. 10, line 50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Stephens to include a message including at least one of an instant message and an E-mail as taught by Petty. One of ordinary skill in the art would have been lead to make such a modification to provide a message that provides information to set up a call between a caller and a called party, wherein a voice message within an E-mail from a caller is listened by a called party and a telephone call between the caller and the called party can be set up based on the contents of the message.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

Additionally, the prior art, US PG Pub: 20030009530 by Philonenko et al, cited in the IDS filed on 4-20-04 discloses the claimed limitation: '…receiving a text-based message having caller information associated with a caller network device and called endpoint information associated with a called network device, the text-based message initiating the arrangement of the telephone call…' in claims 1, 20, and 32. Please see sections: 0093, 0102, 0116, 0138, 0139, 0145, 0150 in US PG Pub: 20030009530 by Philonenko et al.

8. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LISA HASHEM whose telephone number is (571)272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or

relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fan Tsang/
Supervisory Patent Examiner, Art Unit 2614

/Lisa Hashem/
Examiner, Art Unit 2614
October 13, 2008